

REMARKS

This Preliminary Amendment is submitted in association with the Request For Continued Examination attached herewith. Claims 1-6, 8-14, 16-22 and 24 are currently pending. Claims 1, 5, 6, 8, 9, 13, 14, 16, 17, 21, 22 and 24 are currently amended.

I. Introduction to Amended Claim 1

Applicant's amended Claim 1 recites a method of preventing a client from directly contacting a server that is protected by a load distribution server from an overload of traffic. The method includes determining whether said client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server. The method further includes, responsive to determining that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server. The arguments below refer to the claims in their amended form.

II. The 'determining' step of exemplary Claim 1 is not taught or suggested

In a previous office action, the Examiner has argued that the determining step of Claim 1 prior to the present Amendment is taught by a combination of U.S. Patent No. 5,999,971 to Buckland (*Buckland*) in view of U.S. Patent No. 5,774,660 to Brendel *et al.* (*Brendel*). The Examiner has cited *Buckland* (at Abstract, Col. 2, lines 15-32 and Col. 6, lines 1-24) as teaching "determining, whether said client's request to receive said file from said content server originated as a reference from one of a set consisting of the load distribution server and the content server". Applicant respectfully submits that the cited combination of references does not teach or suggest Applicant's claimed feature of "determining whether said client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server".

The abstract of *Buckland* discloses:

An apparatus for identifying a client accessing a first network site utilizes a control site to maintain information relating to the client. To that end, in response to receipt of a request from the client to access the first network site, it is determined if the client includes a first site data block. If it is determined that the client does not include the first site data block, then the control site is controlled to produce a control site data block having both control site identification data and a client identifier. The control site data block then is transmitted from the control site to the client. In a similar manner, the client identifier is transmitted from the control site to the first network site. Upon receipt of the client identifier by the first network site, the first network site is controlled to transmit the first site data block to the client. The first site data block may have both the client identifier and first site identification data.

Similarly, the text of Column 2, lines 15-32 of *Buckland* discloses:

In accordance with one aspect of the invention, an apparatus for identifying a client accessing a first network site utilizes a control site to maintain information relating to the client. To that end, in response to receipt of a request from the client to access the first network site, it is determined if the client includes a first site data block. If it is determined that the client does not include the first site data block, then the control site is controlled to produce a control site data block having both control site identification data and a client identifier. The control site data block then is transmitted from the control site to the client. In a similar manner, the client identifier is transmitted from the control site to the first network site. Upon receipt of the client identifier by the first network site, the first network site is controlled to transmit the first site data block to the client. In preferred embodiments, the first site data block has both the client identifier and first site identification data.

Finally, the text of Column 6, lines 1-24 of *Buckland* discloses:

The process begins at step 300 in which the client 206 requests access to the first network site 200. Although the first network site 200 is discussed, the principles relating to this process can be applied to such a request received by any of the other network sites. Once the request is received by the first network site 200, then the process continues to step 302 in which the first network site 200 interacts with the client 206, in a conventional manner, to determine if the browser 210 includes a first site cookie (i.e., first network site data block) from the first network site 200. As is known in the art, the browser 210 may include a first site cookie if that browser 210 had accessed the first site at some earlier time and the

first site transmitted (a/k/a "dropped") a cookie to the browser **210** for subsequent retrieval by the first network site **200**.

Having reviewed the cited references and amended exemplary Claim 1, Applicant respectfully submits that the cited texts do not teach or suggest "determining whether said client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server", as is recited in amended exemplary Claim 1. More specifically, both the first and second passage from *Buckland* teach that "it is determined if the client includes a first site data block", while the third passage teaches "determin[ing] if the browser **210** includes a first site cookie (i.e., first network site data block) from the first network site **200** ... if that browser **210** had accessed the first site at some earlier time".

Applicant respectfully submits that neither of the methods disclosed in these passages, when taken in combination with *Brendel*, teaches or suggests Applicant's claimed feature of "determining whether said client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server". Applicant respectfully observes that, in cases where a client has contacted a server in the past and received a cookie, and then the client has bookmarked the server, the cookie described in the cited reference will be present without regard to whether the "client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server". Thus, ascertaining the presence or absence of the cookie, as is taught in *Buckland*, while capable of permitting a server to know if it has contacted a client before, is inadequate to determine, and does not suggest determining, the referring origin of the request.

Because the cited combination of references neither teaches nor suggests Applicant's claimed feature of "determining whether said client's request to receive a file from said content server originated as a reference from neither of a set consisting of the load distribution server and the content server," as recited in exemplary Claim 1, Applicant respectfully submits that amended Claim 1 is patentable over any combination of *Buckland* and *Brendel*.

III. The 'sending' step of exemplary Claim 1 is not taught or suggested

In a previous office action, the Examiner has asserted that the cited combination of *Buckland* and *Brendel* teaches "responsive to determining that the client's request to receive the file from the content server did not originate as the reference from one of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server". Applicant respectfully submits that the cited combination of references does not teach or suggest Applicant's claimed feature of "responsive to determining that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server".

In support of the Examiner's position, the Examiner cites the abstract of *Buckland*, as well as Col. 6, lines 25-50. The abstract of *Buckland* is quoted above in its entirety, but a relevant portion recites that:

If it is determined that the client does not include the first site data block, then the control site is controlled to produce a control site data block having both control site identification data and a client identifier. The control site data block then is transmitted from the control site to the client.

Similarly, the text of Column 6, lines 25-50 of *Buckland* discloses:

If, however, it was determined at step 302 that the browser 210 did not include a first site cookie, then the process continues to step 306 in which the browser 210 is redirected (also referred to as "relocated") from the first network site 200 to the control site 207 (i.e., from the first domain 200 to the control site domain 207). This may be performed by transmitting a first message from the first network site 200 to the client 206 having a relocate command, a "find.sub.-- user" command that instructs the control site 207 to find information relating to the client 206, transient verification identifiers (passwords) negotiated between the first server 212 and the control server 214, and information indicating that the commands were issued by the first network site 200.

Receipt of the first message by the client 206 first causes the client 206 to relocate to the control site 207 (i.e., the control domain) and then, when in the control site domain 207, to direct the find.sub.-- user command and first network site information to the control site 207. Upon receipt of the

find.sub.-- user command and first network site information, the control site 207 responsively executes a plurality of steps (on behalf of the first network site 200) that further implement preferred embodiments of the invention. One of those steps causes the control site 207 to responsively interact with the client 206, in a conventional manner, to determine if the browser 210 includes a control site cookie (i.e., control site data block) from the control site 207 (step 308).

Applicant respectfully observes that both the first and second passages lack the step of “*responsive to determining* that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server”. Simply stated, because the determining step, as argued above, is not taught or suggested, no step performed *in response to* that determination is taught or suggested.

Specifically, Applicant respectfully submits that the cited passage, rather than teaching “*responsive to determining* that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server”, as is recited in amended exemplary Claim 1, actually teaches an immediate response predicated on ascertaining that a first site cookie is not present. This difference is clearly stated in *Buckland* with the teaching that “if, however, it was determined at step 302 that the browser 210 did not include a first site cookie, then the process continues to step 306 in which the browser 210 is redirected (also referred to as “relocated”) from the first network site 200 to the control site 207 (i.e., from the first domain 200 to the control site domain 207).” See Column 6, line 25. Applicant respectfully submits that, while applicant teaches a step performed “*responsive to determining* that the client's request to receive the file from the content server originated as the reference from neither of the set consisting of the load distribution server and the content server, sending to the client a file requesting that the client contact the load distribution server” *Buckland* teaches performing a redirect after only a simpler determination.

IV. Arguments with respect to Claim 1 apply broadly

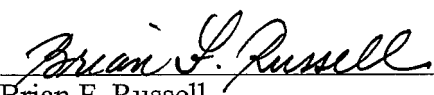
Applicant respectfully submits that the foregoing remarks demonstrate that all claims now pending are patentable over the proposed combination of under 35 U.S.C. § 103.

V. Conclusion

It is respectfully submitted that the claims are in condition for allowance and favorable action is requested. No of time is believed to be required. However, in the event that a further extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation's Deposit Account Number 09-0447.**

Applicant respectfully requests the Examiner contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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